

## King County OSS Management Plan Comments

Updated on 9-10-16

Plan Update Document	
Issue	Response
<b>List of Work Group Members</b> (comments made at the 8-23-16 OSS Work Group meeting)	
Listing of Work Group names in the document	All Work Group members will be listed in the acknowledgements section unless they desired not to have their name included or wanted a disclaimer saying that the contents of this document do not necessarily reflect the views of the persons listed.
<b>Comments on the Introduction section</b> (comments made at the 8-23-16 OSS Work Group meeting)	
C: A request was made to reference the report from the Puget Sound Septic Finance Committee.	
C: There was discussion about other types of pollution in relation to OSS (CSOs/combined sewer overflows, sewage outfalls, etc.) and requests that these issues should be addressed in the Plan Update.	A: This is a Public Health plan and PH only has jurisdiction over OSS. King County Waste Treatment Division and various Cities and Sewer Utility Districts have jurisdiction over municipal sewers and CSOs. This Plan Update can only address OSS.
C: There was a request to clarify the term “local” with regard to the possible development of new regulations.	A: The term “local” as used here is synonymous with “county-wide”.
C: There was a request to eliminate the equity and social justice references in the Plan Update.	A: Addressing equity and social justice is required by King County policy and ordinance and cannot be eliminated (see the <i>Draft King County Equity and Social Justice Strategic Plan, 2016-2022</i> . King County Office of Equity and Social Justice. 2016. at: <a href="http://www.kingcounty.gov/elected/executive/equity-social-justice.aspx">http://www.kingcounty.gov/elected/executive/equity-social-justice.aspx</a> ; and King County Ordinance 16948, October 11, 2010, which can be found at:

<a href="http://www.kingcounty.gov/council/legislation.aspx">http://www.kingcounty.gov/council/legislation.aspx</a>	
<b>Comments on Part 1: Database Development, Maintenance and Management</b> (comments made at the 8-23-16 OSS Work Group meeting)	
C: On page 12, under the “OSS Database goals” heading, the use of the word “manipulate” when associated with data is concerning; different phrasing should be used.	A: Staff can revise this to use words that mean “correct and use” the data.
C: There was a comment about the use of Oracle software and its cost versus other software, and whether that software is the lowest cost alternative.	A: King County IT Department is in charge of software review and procurement. County government is charged with negotiating the most cost effective software available for systems such as image (record drawing) storage and retrieval.
<b>Comments on Part 2: Identification of Increased Risk Areas</b> (comments made at the 8-23-16 OSS Work Group meeting)	
C: A comment was made about the value of including more maps that could show cumulative impacts, areas in need of special protection, etc.	A: Staff will pursue developing those maps and including them in the Plan Update document.
C: A request was made to overlay shellfish growing areas and CSOs to show those impacts.	A: Public Health has no authority over sewers, that authority resides with King County Wastewater Treatment Division and the Cities/Sewer Districts that have combined sanitary and stormwater sewers. All areas with sewage outfalls (most of the King County Puget Sound shoreline is not certified for shellfish harvesting because of this – see the WA Dept. of Health shellfish safety map website at: <a href="https://fortress.wa.gov/doh/eh/maps/biotoxin/biotoxin.html">https://fortress.wa.gov/doh/eh/maps/biotoxin/biotoxin.html</a> .
C: There was concern among several public attendees that OSS were being vilified and that there are other sources of pollution that impact shellfish other than OSS, and that those issues were not being addressed. There was also a contention that there was no data linking failing OSS to the contamination of shellfish.	A: It is not the intent of Public Health to suggest that OSS are the only source of pollution affecting shellfish, but there are documented cases of OSS polluting shellfish and only OSS are within PH’s jurisdiction, not sewers or CSOs.

C: There was a comment that demonstration projects should be included as an education tool for proper O&M.	A: Demonstration projects might fit better in Part 6, the Implementation section of the Plan Update, staff will include it there.
C: One Work Group member was concerned about the application of the precautionary principle and wanted it removed from the Plan Update. Public attendees agreed and objected to its inclusion.	A: This wording was taken from the 2007 Plan, but is not a necessary part of the new plan.
C: On page 22, under the “Work Group Geographic Priority Recommendations”, halfway down, there are several missing creeks that should be included on that list of TMDL creeks, including Boise, Pussyfoot, Bear Creek, Evans, and there may be some others.	A: Staff will do more research to ensure that all TMDL/impaired creeks are listed.
C: On page 22, at the bottom, under “Other considerations”, it was pointed out that the “Age of the House” was not necessarily an accurate gauge of risk for OSS. It would be more accurate to say “Age of the OSS” because house age and OSS age are not necessarily synonymous.	A: Agreed, this will be changed in the text.
C: Another related comment was that at one of the earlier meetings the Work Group had a briefing on the history of OSS which noted that systems that were being built in the past were considered as short-term/temporary solutions until all areas would be served by sewers. This should be included in this section. Those types of systems should also be considered as higher risk.	A: Agreed, this will be included.
C: It was noted that national design rules started coming into force in 1978-79 and that systems installed prior to that would probably be at higher risk of failure.	A: Staff will work to add those comments and also consider if maps can accurately depict that information and might be included.

<b>Comments on Part 3: Operation and Maintenance in Increased Risk Areas</b> (comments made at the 8-23-16 OSS Work Group meeting)	
C: There were several comments on, and discussion about, the protocol used in Thurston County for areas of increased risk with documented pollution (on page 24).	
C: It was noted that through its use, areas (such as Henderson Inlet and the Nisqually Reach) have shown a marked reduction of pollution.	
C: There were concerns about requiring dye testing and that it should only be voluntary.	
C: There were concerns about the fee within the Thurston protocol that was used to fund those dye tests and that it should be removed from that section.	
C: Questions were also raised about the appropriateness of applying it in King County.	A: Staff will consider this input. There is currently no funding to implement this protocol, but some of the changes that have been requested will make that protocol unworkable, so that will also have to be considered.
<b>Comments on Part 4: Marine Recovery Areas (MRAs)</b> (comments made at the 8-23-16 OSS Work Group meeting)	
C: On page 28, under “Inspection Requirements in MRAs”, what does “annual owner inspections” mean? Does that mean that the owner can do the inspections themselves?	A: No, the inspection must be completed by a certified professional, the language in the document is misleading and staff will correct it.

<b>Comments on Part 5: Education and Outreach to Encourage County-Wide O&amp;M</b> (comments made at the 8-23-16 OSS Work Group meeting)	
C: On page 30, in the second introductory paragraph, there is a focus on the importance of proper O&M for non-gravity systems with professional maintenance contracts. Proper O&M should also be emphasized for all systems, gravity included, not just the more technologically complex systems.	A: Correct, that was not the intent to focus solely on non-gravity systems. Staff will revise that paragraph to address that.
C: There was a question about the requirements to obtain and sustain professional maintenance contracts.	A: Staff will review this issue and attempt to clarify it.
C: There were suggestions that Public Health should reframe their position from providing information to the OSS industry, real estate agents, and other agencies, to carry their O&M message; to a position of partnering or cooperating with those entities. It was suggested that extensive materials already exist and should be used, as opposed to developing new materials.	A: Staff will revise the Plan Update document to better incorporate this idea.

<b>Comments on Part 6: Plan Implementation and Financing</b> (comments made at the 8-23-16 OSS Work Group meeting)	
C: On page 33, there is the recommendation to adopt Thurston County's high-risk areas protocol, which is listed in the Plan Update in Part 3: Operation and Maintenance in Increased Risk Areas. Objections were raised about the mandatory dye testing and the use of a fee to fund that testing, which is included in that protocol. Public commenters were also objecting to the use of that protocol in King County.	A: The Work Group did not object to the inclusion of this protocol in the Plan Update when it was discussed at the June meeting. Staff will consider these new/additional concerns with regard to the workability of this protocol.
C: At the bottom of page 33, there was a request to more explicitly define marine water.	A: Marine waters mean salt water or sea water, as in Puget Sound. That will be added to and defined specifically in the glossary.
C: There were some questions and discussions about allowing the use of new technology in King County.	A: The approval of new treatment technology is the exclusive purview of the state; counties cannot approve new technology.
C: On page 34, under "general recommendations", it was requested that the bullet stating that Public Health should "try to shield OSS owners in one area from paying for OSS problems in another area" be strengthened to "shield".	A: Staff will revise this language to clarify the recommendation.
<b>Comments on the Glossary and other back end sections</b> (comments made at the 8-23-16 OSS Work Group meeting)	
C: On page 36, in the glossary, the definition of LOSS is incorrect; LOSS treat between 3,500 and 100,000 gallons per day.	A: Staff will correct this.

<b>Public Comments</b> (comments made at the 8-23-16 OSS Work Group meeting)
<b>Comments were made by Betsy Howe</b> , Citizens Opposed to OSS Management, WA. She spoke to the group and went over the written comments that she submitted, which are attached as a separate file.
<b>Comments were made by Cindy Alia</b> , Citizens' Alliance for Property Rights. She spoke to the group and went over the written comments that she submitted, which are attached as a separate file.
<b>Comments were made by Steve Herr</b> , who lives on the Cedar River. He discussed new technologies that were being used in other states and requested assistance to upgrade his system with similar new technology.
<b>Comments were made by a member of the public.</b> His concern was that the recitations of the RCW on page 24, Part 4: Marine Recovery Areas (MRAs), were not complete and needed to include the whole section, not selected sections. He believed that the information on that page was misleading and inaccurate.
<b>Comments were made by another member of the public.</b> Her concern was also with regard to the accuracy of the RCW references in the document and that the staff had misinterpreted them and the Work Group had a responsibility to understand them better.
<b>Written comments were submitted by other members of the public (not in attendance)</b> , which are attached as separate files.
<b>E-mail comments received from Doug Navetski, King County Stormwater Program</b> (on 8-25-16), which are attached as a separate file.